



# Congress of the United States

House of Representatives

Washington, DC 20515-6502

August 31, 2012

The Honorable Shawn M. Garvin  
Regional Administrator  
U.S. Environmental Protection Agency Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dear Regional Administrator Garvin:

I was recently contacted by representatives of Burch Oil Company regarding discussions between the company and EPA Region 3 over possible fines associated with five alleged violations at two Burch Oil properties. Burch Oil is headquartered in my district in Hollywood, Maryland.

The company has indicated that the talks have been generally open and that EPA Region 3 has offered Burch a penalty reduction for settlement by September 7, 2012. However, Burch remains concerned that the company would continue to face fines in excess of \$50,000 for alleged equipment testing and cladding violations when such equipment was verified to be operational and did not release oil, fuel, or other pollution to the environment. Burch is requesting, on the basis of its good faith efforts to locate records and obtain needed equipment inspections, that it be considered for further penalty mitigation. I write to request that you give full, fair, and timely consideration to Burch's request consistent with agency policy. Burch would like to address this matter promptly in a way that fairly allocates an appropriate share of costs to its customers.

Further, I hope Region 3 could work prospectively with Burch Oil to assist in the detection and correction of violations in a manner that avoids such enforcement actions. The EPA Audit policy allows the agency to work with businesses to discover and disclose violations of environmental law and reporting requirements. In accordance with the policy, EPA has the flexibility to mitigate the gravity-based portion of a civil penalty for businesses that act to correct such violations.

I appreciate your attention to my request, and would appreciate being informed of the agency's decision on this matter.

With warmest personal regards, I am

Sincerely yours,

STENY H. HOYER

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